Remarks

This Amendment responds to the Office Action dated May 13, 2005. In the Office Action, the examiner requested that the abstract be changed. The abstract has been changed as requested by the patent examiner. Also, applicant has inserted the provisional patent application no. 60/525,438 into paragraph 1 in the specification.

In the Office Action, the examiner rejected all of the patent claims 1-16 under 35 U.S.C. § 103 as being not patentable in view of U.S. Patent No. 6,334,270 to Ko; U.S. Patent No. 4,280,122 to McKinley; U.S. Patent No. 5,493,618 to Stevens; U.S. Patent No. 6,241,362 to Morrison.

In summary, it is respectfully submitted that none of these references show, teach or suggest refracting and reflecting light directed upwardly through a waterfall as well as refracting and reflecting laterally directed light through the water dropping from the waterfall. One set of light beams are vertically upwardly directed and the second set of light beams are laterally directed. Further, none of the references show, teach or suggest a lighted table top water fountain.

Claim1 has been amended to provide that the claimed invention relates to a lighted table top fountain wherein water drops vertically from a superstructure through a view area beneath the superstructure into a water bowl. A first set of LEDs is "mounted beneath said view area emitting light directed upward into said view area and into said water dropping into said view area." See claim 1. Further, a second set of lights is "emitted laterally from said scene board into said view area wherein light is reflected and refracted by said water dropping into said viewing area both laterally and vertically due to the upwardly directed light and the laterally directed light." Support for these changes to claim1 is found in the originally submitted claims and in the specification and the drawings, particularly FIG. 1 and FIG. 4. FIG. 1 shows that water droplets 18a, 18b, falling from

superstructure 20 through a viewing area. The viewing area 90 is shown in FIG. 4 beneath superstructure 20. LEDs 62a, 62b, direct light upwards in direction 63 shown in FIG. 4 such that the upwardly directed LEDs illuminate the water droplets which are falling from the waterfall. Further, scene board 22 (FIG. 4) has a plurality of optical fiber emitting items 66 mounted between scene board 22 and back board 21 (FIG. 4). Therefore, laterally directed light from the holes in scene board 22 passes through view area 90 and this laterally directed light is refracted and reflected by the falling water from the waterfall beginning at the top of superstructure 20. Upwardly directed light 63 also reflects and refracts off the falling water from viewing area 90.

Independent claim 14 has been amended to provide that upwardly directed light "is transmitted directly upward into said waterfall thereby altering said light by refraction and reflection" and further includes a step of "reflecting and refracting light from said upwardly directed LEDs through said waterfall and reflecting and refracting said laterally directed light from said fiber optic light system with said waterfall."

One substantial difference between the presently claimed invention and Ko '270 is that Ko '270 is not a lighted table top water fountain. Ko '270 does not show a superstructure from which water falls through a viewing area into a water bowl. Ko '270 does not show, teach or suggest upwardly or vertically directed light into the falling water. Ko '270 does not show, teach or suggest reflecting and refracting light from water "dropping into said viewing area" wherein that light is emitted both laterally through the viewing area and vertically from beneath the viewing area. Particularly, claim 1 provides "wherein said light is reflected and refracted by said dropping water into said viewing area both laterally and vertically due to the upwardly directed light and the laterally directed light."

Ko '270 shows laterally emitted light from LED 117. LED 117 is fixed on stationary disc 114. See FIG. 3 and column 2, lines 17-20. Rotatable container 12 rotates and that rotatable container has transparent windows 126 (col. 2, line 11). Apparently, the laterally directed light from LED 117 is transmitted through transparent windows 126 when the windows are laterally adjacent the LED. A circular locus 127 also alters the lateral transmission of the light from LED 117. "Further, a small lamp or LED 117 on the disc 114 has the light to pass through the small transparent windows 127 and the locus 127 to provide a glinting effect." Col. 2, lines 17-20. This lateral light in Ko' 270 is never reflected nor refracted by water droplets.

In FIG. 4 of Ko '270, LEDs 119 are directed inboard at an angle downward and upward at an angle. See unnumbered LED is directed at an angle upward towards rotating container 12. However, there is no superstructure in Ko '270 with a water delivery system which carries "water from said water bowl through said superstructure above said view area and drops of water into said view area" as required in claim 1. Further, Ko '270 does not show, teach or suggest both upwardly (vertically) directed light which is reflected and refracted by water droplets dropping through the viewing area as well as laterally directed light which is reflected and refracted by water droplets dropping through said viewing area as provided for in claim 1 of the present invention. Ko '270 never shows reflection and refraction off water droplets falling through a viewing area. This reflection/refraction is very different that the effect of light moving through a large body of water as in Ko's container 12. Claim 1 provides "wherein light is reflected and refracted by said water dropping into said viewing area both laterally and vertically due to the upwardly directed light and the laterally directed light." Therefore, the presently claimed invention is patentably distinct from Ko '270.

The other references cited by the examiner do not cure these defects with respect to Ko '270. McKinley '122 shows a back board or plate 12 (col. 2, line 61), a mirror plate 11 (col. 2, line 57), and another one way mirror 10 (col. 2, line 54). It is respectfully submitted that the examiner's statement that item 9 is a scene board in McKinley '122 is not correct in that item 9 is a one way window as explained at col. 2, line 50.

In any event, McKinley '122 does not relate to a lighted table top water fountain with water dripping beneath a superstructure through a viewing area and vertically directed light which reflects and refracts from the water dropping through the viewing area and laterally directed light which reflects and refracts through that same water dropping through the viewing area.

Stevens '618 discloses an acoustic switch which turns on and off electrical appliances. It does not relate to the operation of a lighted water top fountain. Further, the combination of a water top fountain with vertically directed light and laterally directed light which light is under an audio control (dependent claim 2) is not suggested. Additionally, there is no statement suggesting that the system in Stevens can be incorporated in any manner in connection with the systems of McKinley '122 and Ko '270. Although Ko '270 identifies a microphone 113, that microphone is, in fact, a speaker. The specification of Ko '270 states "the microphone 113 broadcasts the music sounded as billows." Col. 2, line 25 (emphasis added). There is no additional disclosure in Ko '270 indicating that microphone 113 operates as a device which monitors audio signals and which acts as an audio switch. Therefore, there is no suggestion in Ko '270 to be combined with the teachings of Stevens '618.

Morrison '362 shows multiple colored LED lights directed upwards but these lights are not related in any manner to a lighted table top fountain wherein water drips down through the waterfall

and upwardly directed vertical light is reflected and refracted by falling water droplets and laterally directed light is also reflected and refracted through the falling water droplets dropping through the waterfall.

Therefore, it is respectfully requested that the examiner withdraw the rejections applied against claims 1-16 and allow those claims in the present case.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 25, 2005.

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